

March 19, 2004

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : TBI Transfer & Recycling Facility
PROJECT MUNICIPALITY : 210 Holt Road - North Andover
PROJECT WATERSHED : Merrimack River
EOEA NUMBER : 13203
PROJECT PROPONENT : TBI, Inc.
DATE NOTICED IN MONITOR : February 11, 2004

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I determine that this project **requires** the preparation of an Environmental Impact Report (EIR).

According to the Expanded Environmental Notification Form (ENF), the proposed project consists of the construction of a 30,000 square foot (sf) transfer station and recycling facility for construction and demolition (C&D) material and commercial solid waste. The facility is proposed to handle a maximum of 650 tons per day (tpd) or a total of 237,250 tons per year. The 6-acre site contains a 15,000 sf building that is used by a solid waste company for maintenance and office use. This use accounts for 2 acres of the site, and the other 4 acres is used as a storage lot for solid waste transfer trucks and trailers. The proposed facility would be located on this 4-acre portion of the site.

The facility would be equipped with roll-up doorways that would only be opened to allow trucks to enter and exit the building. All operations and processing would be confined to the building. The non-recyclable construction and demolition waste would be loaded onto trailers for transport to disposal sites, and recycled goods will be collected for transportation to recycling facilities.

Trucks carrying waste would enter the transfer station via the main entrance on Holt Road, and they would exit via the same driveway. Trucks arriving to pick up recyclable goods and wastes could enter two driveways leading to trailer pits along either side of the building. A total of thirty parking spaces for employees and visitors exist, and the proponent is proposing another 15 parking spaces. According to the proponent, the existing operations generate approximately 70 trips per day. The proposed project is estimated to generate an increase of approximately 272 vehicle trips per day. The proponent has indicated that the hours of operation would be 6:00 AM to 6:00 PM, seven days per week. The project would serve the northeast region of Massachusetts.

The project is subject to a mandatory EIR pursuant to Section 11.03(9)(a) of the MEPA regulations because it will create new capacity of 150 or more tpd for the storage, treatment, processing, combustion or disposal of solid waste by the proponent. It will require a Determination of Site Suitability (310 CMR 16.00), an Authorization to Construct, and an Authorization to Operate Permit from the Department of Environmental Protection (DEP). A Signal Permit may be required for the intersection of Holt Road/Route 125 from the Massachusetts Highway Department (MHD). A National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site may be required. Since the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction is limited to those aspects of the project whose environmental impacts are related to the subject matter of state permits (solid waste, air quality, stormwater, and traffic).

According to the proponent, the project would require an additional 450 gallons per day (gpd) of water and generate a similar amount of wastewater. The project site is connected to the local municipal water and wastewater systems. Any drainage from the solid waste operations would be collected in a storage tank and emptied by a licensed contractor.

In accordance with Section 11.05(7) of the MEPA regulations, the proponent has submitted an Expanded ENF with a request that I allow the proponent to fulfill its EIR obligations under MEPA with a Single EIR. I acknowledge the proponent's efforts in developing the Expanded ENF, which contained considerable information that has been particularly helpful in understanding the project and defining the scope of the EIR. However, because the document did not meet the enhanced standards of Section 11.06(8) of the MEPA regulations, I am requiring the usual two-step Draft and Final EIR process.

SCOPE

The EIR should follow Section 11.07 of the MEPA regulations for outline and content, as modified by this scope. It should address the comments listed at the end of this Certificate to the extent that they are within this scope and it should include a copy of this Certificate. In addition, because the project is within one mile of an Environmental Justice (EJ) population, I ask the proponent to provide for enhanced public participation during the review of the EIR and I offer the services of EOEAs EJ Coordinator and MEPA staff to provide necessary guidance.

Project Description and DEP Permitting Process:

The EIR should fully describe the proposed project, its operation and its potential impacts. It should discuss the project's consistency with the Beyond 2000 Solid Waste Master Plan. It should describe how the facility would handle wastes, including inappropriate materials.

The EIR should contain the documentation required by DEP in its comment letter of March 12, 2004. It should provide the information needed for DEP to review the proponent's Site Suitability, Site Assignment, and Authorization to Operate a Large Handling Facility. A Site Suitability Analysis is required, and the proponent should work closely with DEP. The EIR should clearly describe all current uses at the site and whether such uses would continue. It must identify any waiver requirements that the proponent may be seeking for this facility. This analysis should include the proposed use for all areas of the site. The proponent should provide a map, which shows all nearby parcels owned/leased by the proponent. It must identify all the operations occurring on each parcel, and the permitting agencies should determine whether these operations are part of the overall site assignment operations for the transfer station. All existing and proposed sensitive receptors within a half-mile of the project should be identified and the impacts to those receptors evaluated. Truck routes that will be used to reach the site should be identified in the EIR on a map.

Alternative Analysis:

In addition to the No-Build Alternative and the Preferred Alternative, the EIR must discuss the associated environmental impacts of an Adult Entertainment Facility Alternative, the Maximum Build-out Alternative (based on zoning), and an Alternative Solid Waste Facility (accepting Municipal Solid Waste (MSW)). The EIR should fully analyze the potential impacts

(traffic, parking, air quality, water, wastewater, public health, odor/vermin/litter/ dust issues, hazardous wastes, and drainage) from each of these five alternatives. It should include potential site plans for each alternative and show driveway and parking layouts. The zoning/ land use issues should be discussed fully within the EIR in so far as they pertain to DEP's permitting decision. The EIR should present a map that identifies the zoning classification of all parcels deemed as part of the site assignment process. It should also identify if any proposed increase in tpd is proposed after the transfer station reaches 650 tpd.

This section should also address this project's compatibility with the future planning efforts for this area by the Town of North Andover.

Traffic:

The EIR should be prepared in conformance with the EOE/EOTC Guidelines for EIR/EIS Traffic Impact Assessment. It should identify appropriate mitigation measures for areas where the project will impact local and regional traffic operations. The Expanded ENF included a traffic study that analyzed traffic impacts by determining the level-of-service (LOS) at the following intersections:

Route 125 Connector/Route 125/133;
Holt Road/Route 125;
Barker Street/Route 125;
Great Pond Road/Route 125/133;
Sutton Street/Route 125/133; and
Site Driveway/Holt Road.

The EIR should include a LOS analysis of the intersection of Route 125/Bradford Street. It should summarize the results of the traffic study included in the Expanded ENF. The EIR should include a LOS table that compares the existing, no-build and build conditions. It should provide a LOS analysis for the weekday morning, evening, and Saturday peak hours. The EIR should include volume to capacity ratios, a traffic distribution map, the percentage of trucks on roadways, and background growth from other proposed developments in the area. It should summarize the trip generation estimates. The EIR should identify why only 21 transfer trucks (525 tons) are utilized instead of the 26 transfer trucks (650 tons). The proponent should identify the number and type of trucks to be used during a worst case. The EIR should identify where trucks, containers, and other equipment necessary to operate such a facility will be stored.

The proponent should consult with the MHD, North Andover, and Haverhill officials regarding acceptable truck routes. If MHD restricts trucks from this proposed facility from using the Route 125 Connector during the pm peak hour, where would the proponent direct this truck traffic during these hours and how many vehicles would this involve? The proponent should identify the potential communities in the watershed area for this proposed facility, and relate this information to the proposed truck routes.

The EIR should discuss any roadway widening required to accommodate the turning radius for tractor-trailer and roll-off container trucks. It should discuss right-of-way (ROW) implications of possible roadway widening and describe how such ROW's would be acquired. Any plans by MHD or the local municipalities to reconstruct roadways in the nearby area should be discussed in the EIR.

The EIR should include a plan to mitigate traffic impacts from this project on state and local roadways and a timetable for resolving these impacts. In the Expanded ENF, the proponent states that the Holt Road/Route 125 and Barker Road/Route 125/133 intersections will be signalized by 2008. The EIR needs to identify who will be responsible for funding these signals. If these signals are not programmed and funded, the proponent should consider providing this as mitigation, particularly at the Route 125/Holt Road intersection. The EIR should also address whether the new signals would be coordinated with the existing traffic signals on Route 125/133. It should provide a traffic signal warrant analysis for the intersection of Route 125/Holt Road. The EIR should identify the number of trucks using the Route 125/Holt Road intersection. It should identify the existing and proposed design of the Route 125/Holt Road intersection. The EIR should identify any mitigation proposed at the intersection of Route 125/Route 125 Connector in Haverhill to improve the LOS. The proponent is not responsible for fixing the truck traffic access problems within this section of North Andover, but it should participate in developing a plan with MHD and the local municipalities to solve this issue.

Drainage:

The EIR should include a detailed description of the existing site drainage system design and any improvements planned, including a discussion of the alternatives considered along with their impacts. The EIR should identify the quantity and quality of flows. The rates of stormwater runoff should be analyzed for the 2, 10, and 100-year storm events. Where does roof runoff go? The EIR should address the concerns of the

Massachusetts Aeronautics Commission (MAC) that stormwater retention basins may increase the bird hazard potential surrounding the Lawrence Airport.

If the proponent connects into an existing municipal drainage system, the EIR should clarify the permits required and if there will be a recharge deficit on-site. The EIR should indicate where the Holt Road drainage system discharges in this area.

The EIR should address the performance standards of DEP's Stormwater Management Policy and the Town of North Andover's Storm Water Program (NPDES Storm Water General Permit). It should demonstrate that the design of the drainage system is consistent with this policy, or in the alternative, why the proponent is proposing a drainage system design not recommended by DEP. The proponent should use the DEP Stormwater Management Handbook when addressing this issue.

The EIR should discuss the consistency of the project with the provisions of the NPDES General Permit from the U.S. Environmental Protection Agency. It should discuss the best management practices employed to meet the NPDES requirements, and should include a draft Pollution Prevention Plan.

In addition, a maintenance program for the drainage system will be needed to ensure its effectiveness. This maintenance program should outline the actual maintenance operations, responsible parties, and back-up systems.

Hazardous Wastes/Safety:

The EIR should present a summary of the results of any hazardous waste studies and remediation efforts undertaken at the site by the proponent. The EIR should include any fire prevention plans that have been developed with local fire departments.

The EIR should identify where wastewater from the facility will be processed.

Air Quality and Health Impacts:

The EIR should review and discuss the potential for increases in dust and diesel emissions from this facility and associated traffic. The EIR should review and present information on existing health studies for this local area's population regarding respiratory problems to determine existing conditions. Based on available information, the EIR should discuss the

potential for any increase in health risk to area populations associated with this facility, particularly with respect to air quality. The EIR should identify existing air quality and make projections for future air quality in this area with this facility. This air quality analysis should identify the specific stationary and mobile sources and the specific air contaminants that were measured.

Noise:

The EIR should present existing noise levels at the site border and at nearby sensitive receptors (the nearest residences). It should estimate the proposed noise levels for the full build-out at these same receptors. The EIR should estimate the noise levels without the facility. The proponent should estimate noise levels for daytime operations. The EIR should discuss whether these noise levels comply with DEP and other local noise regulations. It should identify any noise reduction measures.

Odor/Vermin/Litter/Dust Issues:

The EIR should outline the proponents' measures to limit odor, vermin, litter, and dust impacts to surrounding neighbors. It should ensure that litter impacts on surrounding streets are responded to by the proponent on a daily basis. Dust from operating the facility may be a noticeable problem inside and outside the transfer station. The EIR should develop mitigation measures to reduce the impacts of dust. Because the proposed facility may attract nuisance populations of birds, the EIR should evaluate the potential impact on the abutting Lawrence Airport. A monitoring and inspection program for these above issues should be specified in the EIR.

Mitigation:

The EIR should include a separate chapter on mitigation measures. This chapter on mitigation should include Draft Section 61 Findings for all state permits. The Draft Section 61 Findings should contain a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation and the identification of the parties responsible for implementing the mitigation. A schedule for the implementation of mitigation should also be included.

I encourage the proponent to participate in any discussions and studies, which evaluate the feasibility of traffic improvements within this area.

Comments:

The EIR should respond to the comments received to the extent that the comments are within the subject matter of this scope. Each comment letter should be reprinted in the EIR. I defer to the proponent as it develops the format for this section, but the Response to Comments section should provide clear answers to questions raised.

Circulation:

The EIR should be circulated in compliance with Section 11.16 of the MEPA regulations and EOEAs EJ Policy (sections 13, 14, and 15). Copies should also be sent to the list of "comments received" below and to North Andover, Haverhill, Lawrence, and Methuen officials. A copy of the EIR should be made available for public review at the Public Libraries in these above communities.

March 19, 2004

Date

/s/Ellen Roy Herzfelder

Ellen Roy Herzfelder

cc: Nancy Baker, DEP/NERO

Comments received:

MAC, 2/13/04
Joan Kulash, 2/17/04
Brown & Caldwell, 2/17/04
Manuel Arista, 2/20/04
Kimberly Jan Adami, 2/21/04
Bruce Barclay, 2/22/04
Ralph Bevin, 2/23/04
Jack Bransfield, 2/23/04
Margaret Nadeau, 2/24/04
Thea H. Fournier, 2/24/04
Jennifer Pickett, 2/24/04
Frank McFall, 2/24/04
Joan Kulash, 2/24/04
Joan Kulash, 2/24/04
Brown & Caldwell, 2/25/04
Brown & Caldwell, 2/25/04
Brent Baeslack, 2/25/04

Joan Kulash, 2/25/04
Joan Kulash, 2/25/04
Karen Good, 2/25/04
Letter Signed by 11 Residents, 2/25/04
William A. Pickett, 2/27/04
Daniel F. Brosnan, Jr., 2/28/04
Dennis Card, 3/1/04
Haverhill Environmental League, 3/2/04
Elaine Burke, 3/2/04
Susan B. Dennett, 3/3/04
Robin T. Thomas, 3/3/04
Green Seal Environmental, 3/4/04
Joan Kulash, 3/5/04
Haverhill Environmental League, 3/5/04
Susan Ieradi, 3/5/04
Hinckley Allen Snyder, 3/5/04
Dawn Crescitelli, 3/5/04
Jill, Christopher, and Ben Barker, 3/6/04
Frederick H. Gore, 3/7/04
Dr. William Porteous, 3/7/04
Joan Kulash, 3/8/04
James J. Connolly, 3/8/04
Barbara Hedstrom, 3/9/04
John Willis, 3/9/04
Rita Schena, 3/9/04
Stephen Anthony, 3/9/04
Martina Woulfe, 3/9/04
Susan M. Haltmaier, 3/9/04
Kevin F. O'Donnell, 3/9/04
Pam Green, 3/9/04
David Pinzer, 3/9/04
Ted Becker, 3/10/04
Frank McFall, 3/10/04
E. William Hansen, 3/10/04
Maureen Walsh Sakakeeny, 3/11/04
Zachary Gendron, 3/11/04
Brenda Reeve, 3/11/04
Vincent and Sheila Landers, 3/11/04
Anita Djermoun, 3/11/04
Moehrke, Mackie & Shea, 3/11/04
Julie Crocker, 3/11/04
Sylvie Pressman, 3/11/04
Merrimack College, 3/11/04
DEP/NERO, 3/12/04
David & Cara Urry, 3/12/04
Ann Lu, 3/12/04
S. Goley, 3/12/04
Diane J. Huster, 3/12/04
Kevin F. O'Donnell, 3/12/04

EOEA #13203

ENF Certificate

March 19, 2004

City of Haverhill, 3/12/04
William B. Duffy, Jr., 3/14/04
Maureen A. Landers, 3/15/04
Graham Schwass, 3/15/04
Patricia A. Duncan, 3/15/04
MHD, 3/16/04
Form Letters (A) - 21 letters
Form Letters (B) - 12 letters

E13203
ERH/WTG/wg